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Panel had found either that there was malpractice or there was not malpractice that the Panel had then made the decision and it was up to the attorneys to either make the determination or else the individuals could go to court, so I took out the Arbitration Board.

The other amendments that I have incorporated was one which was the subject of a considerable amount of controversy which said that if the individual disagreed with the conclusions of the Medical Panel, and proceeded to court, that he had to post a bond for the court costs and attorney fees. I took out the provision for bonding so that the bonding ... the requirement for bonding should not be a road block to an individual going to court if he felt he had justification for going to court. I also provided that the losing side would pay the attorney fees in the event they decide to proceed to court. I think this is very important. I think it's the heart of the matter. I think it will encourage settlement and will also encourage negotiation and should limit some of the expense of litigation and court costs. I also included Senator Rasmussen's amendment which is basically ... states that you do not ... the physician is not responsible for the subordinates in a hospital. I think that those institutions now are involved in securing, of course, their own malpractice insurance. The individuals that are involved in every operating room have to purchase their own malpractice insurance. I took that amendment from Senator Rasmussen. I also accepted the amendments from the Department of Insurance. That concludes my presentation.

PRESIDENT: Sir. I beg your.... You raised a point of order, Senator Chambers?

SENATOR CHAMBERS: Yes. Mr. Chairman, the bill listed there is LB 434. Rule 7, ... this is on page 39 of the Rule Book. Subsection (D), near the bottom of the page, it says "No motion, proposition or subject different from that under consideration shall be admitted under color of amendment". I don't believe that LB 434 deals with malpractice.

PRESIDENT: What page is that, Senator ?

SENATOR CHAMBERS: Page 39 in this.... It's a part of Rule 7.

PRESIDENT: So would you restate your point of order, Senator.

SENATOR CHAMBERS: I feel that Senator Schmit is attempting to amend LB 434 by substituting the provisions of LB 703. Under "color of amendment" he is offering a proposition which is not related to LB 434. I feel that his amendment that is being offered is out of order and not proper.

PRESIDENT: The Chair would like to take that under advisement with that understanding that I may sustain or I may overrule. Not foregoing any of your rights, I would request that Senator Schmit continue his presentation. The Chair will make a ruling, but I would ask that I be allowed to take this under advisement, Senator.